

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Bernadette Ahmed

(b) County of Residence of First Listed Plaintiff Philadelphia, PA
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Fred Davis, Esq. - Davis Consumer Law Firm, 500 Office Ctr Drive, Suite 400, Ft. Washington PA 19034 1-855-432-8475

DEFENDANTS

Midland Funding, LLC

County of Residence of First Listed Defendant San Diego, CA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Lawrence J. Bartel, Esquire, 2000 Market Street, Suite 2300, Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|---|
| <input type="checkbox"/> 1. U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2. U.S. Government Defendant | <input type="checkbox"/> 4. Diversity (Indicates Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place An "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
|---|-----------------------------------|-----------------------------------|---|-----------------------------------|-----------------------------------|
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits. <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 195 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury – Med Malpractice <input type="checkbox"/> 365 Personal Injury – Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing / Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities— Employment <input type="checkbox"/> 446 Amer. w/Disabilities— Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) |
| | | | | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS – Third Party 26 USC 7609 |

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|--|--|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|--|--|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. § 227, et seq. and 15 U.S.C. § 1692, et seq.

Brief description of cause:

Fair Debt Collection Practices Act and Telephone Consumer Protection Act

VI. CAUSE OF ACTION

CHECK IF THIS IS A CLASS ACTION DEMAND \$ N/A CHECK YES only if demanded in complaint:
UNDER F.R.C.P. 23 JURY DEMAND: Yes No

VII. REQUESTED IN COMPLAINT:

(See instructions) JUDGE _____ DOCKET NUMBER _____

DATE

March 6, 2015

SIGNATURE OF ATTORNEY OF RECORD

Lawrence J. Bartel

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFF _____ JUDGE _____ MAG. JUDGE _____

CASE MANAGEMENT TRACK DESIGNATION FORM

| | | |
|-----------------------------|---|---------------------|
| BERNADETTE AHMED | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| MIDLAND FUNDING, LLC | : | NO. |

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus-Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security-Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration-Cases require to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos-Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management-Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management--Cases that do not fall into any one of the other tracks. (X)

March 6, 2015
Date

Lawrence J. Bartel
Attorney-at-law
Lawrence J. Bartel,
Esquire.

Defendant, Midland
Funding, LLC
Attorney for

(215) 575-2780
Telephone

(215) 575-0856
FAX Number

Lbartel@mdwcg.com
E-Mail Address

(Civ. 660) 10/02

551629

CASE MANAGEMENT TRACK DESIGNATION FORM

BERNADETTE AHMED : CIVIL ACTION
:
:
v. :
:
MIDLAND FUNDING, LLC : NO.

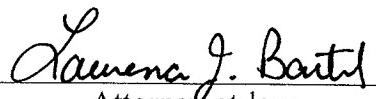
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- (f) Standard Management--Cases that do not fall into any one of the other tracks. (X)

March 6, 2015

Date



Lawrence J. Bartel,
Attorney-at-law
Esquire.

Defendant, Midland
Funding, LLC

Attorney for

(215) 575-2780

Telephone

(215) 575-0856

FAX Number

Ljbartel@mdwcg.com

E-Mail Address

(Civ. 660) 10/02

551629

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Bernadette Ahmed c/o Fred Davis, Esq. - Davis Consumer Law Firm, 500 Office Ctr Drive, Suite 400, Ft. Washington PA 19034 1-855-432-8475

Address of Defendant: Midland Funding, LLC c/o Lawrence J. Bartel, Esquire 2000 Market Street, Suite 2300 Philadelphia, PA 19103

Place of Accident, Incident or Transaction: Philadelphia County, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury

(Please specify)

7. Civil Rights

7. Products Liability

8. Habeas Corpus

8. Products Liability — Asbestos

9. Securities Act(s) Cases

9. All other Diversity Cases

(Please specify)

10. Social Security Review Cases

11. All other Federal Question Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Lawrence J. Bartel

, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: March 6, 2015

Attorney-at-Law

94006

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: March 6, 2015

Attorney-at-Law

94006

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BERNADETTE AHMED,

Civil Action No.

Plaintiff,
vs.

MIDLAND FUNDING, LLC,
Defendant.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, Defendant, Midland Funding, LLC (hereinafter "MF"), by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., hereby removes the action captioned as Bernadette Ahmed v. Midland Funding, LLC, docket no. 150103872, as filed in the Court of Common Pleas for Philadelphia County, Pennsylvania ("the Action"), to the United States District Court for the Eastern District of Pennsylvania, based upon the following:

1. On or about January 30, 2015 Plaintiff filed the Action in the Court of Common Pleas for Philadelphia County, Pennsylvania. A true and correct copy of Plaintiff's Complaint in the Action is attached hereto as Exhibit "A."

2. MF first received notice of the Action on February 4, 2015, when it was served with Plaintiff's Complaint.

3. Based on the foregoing, MF has timely filed this Notice of Removal within thirty days of being served with the Complaint and

within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

4. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by MF pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged that MF violated the Fair Debt Collections Practices Act, 15 U.S.C. § 1692, et seq., thereby asserting claims that arise under federal law.

5. In that the causes of action alleged by the Plaintiff arise from the performance of obligations of the parties within Philadelphia County, Pennsylvania, the United States District Court for the Eastern District of Pennsylvania should be assigned the Action.

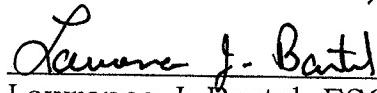
6. Pursuant to 28 U.S.C. § 1446(d), MF will file a copy of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of Pennsylvania, will serve Plaintiff with copies of this Notice of Removal and will file the Notice of Removal in the Philadelphia County Court of Common Pleas.

WHEREFORE, Defendant, Midland Funding, LLC notifies this Court that this Action is removed from the Court of Common Pleas for Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania pursuant to the provisions of 28 U.S.C. §§1331, and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By:



Lawrence J. Bartel, ESQUIRE
2000 Market Street, Suite 2300
Philadelphia, PA 19103
(215) 575-2780 / (215) 575-0856 (f)
Ljbartel@mdwcg.com
Attorneys for Defendant
Midland Funding, LLC

Dated: March 6, 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
BERNADETTE AHMED,

Civil Action No.

Plaintiff,

vs.

MIDLAND FUNDING, LLC,

Defendant.

CERTIFICATE OF SERVICE

I, Lawrence J. Bartel, Esquire, do hereby certify that a true and correct copy of Defendant, Midland Funding, LLC's Notice of Removal was served upon the below-listed counsel of record by regular mail on March 6, 2015:

Fred Davis, Esquire
Davis Consumer Law Firm, LLC
500 Office Center Drive, Suite 400
Ft. Washington, PA 19034
Attorneys for Plaintiff
Bernadette Ahmed

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By:

Lawrence J. Bartel
Lawrence J. Bartel, ESQUIRE
Attorneys for Defendant
Midland Funding, LLC

Dated: March 6, 2015

EXHIBIT "A"

USTED ESTA ORDENADO COMPARCER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 10/23/2015
 You must still comply with the notice below. USTED TODAVIA DEBE CUMPLIR CON EL AVISO PARA DEFENDERSE.
 This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.
 There is no right to a trial *de novo* or appeal from a decision entered by a Judge.

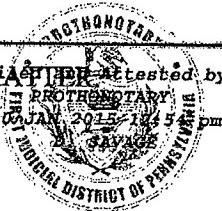
Fred Davis, Esquire

ATTORNEY FOR PLAINTIFF

Identification No. 93907

DAVIS CONSUMER LAW FIRM
 500 OFFICE CTR DR-STE 400
 FT. WASHINGTON, PA 19034
 (T)1-855-432-8475/(F)1-855-435-9294
fdavis@usacreditlawyer.com

THIS IS AN ARBITRATION ~~MATTER~~
 ASSESSMENT OF DAMAGES
 HEARING IS REQUESTED.



BERNADETTE AHMED
 2047 W. Cambria St.
 PHILADELPHIA, PA
 19132

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

Plaintiff

CIVIL ACTION

v.

DOCKET NO.:

MIDLAND FUNDING LLC
 8875 Aero Dr-Ste 200
 San Diego, CA
 92123

Defendant

NOTICE TO DEFEND
CODE: 1900

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU
 DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR
 TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
 CAN GET LEGAL HELP.**

**PHILADELPHIA COUNTY BAR ASSOCIATION-LAWYER REFERRAL &
INFO SERVICE**

Philadelphia Bar Association
1101 Market Street, 11th Floor
Philadelphia, PA 19107
Phone: (215) 238-6300
Fax: (215) 238-1159

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas an las paginas signientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL

Colegio de Abogados de Philadelphia
1101 Market Street, 11th Floor
Philadelphia, PA 19107
Phone: (215) 238-6300
Fax: (215) 238-1159

Fred Davis, Esquire
Identification No. 93907
DAVIS CONSUMER LAW FIRM
500 OFFICE CTR DR-STE 400
FT. WASHINGTON, PA 19034
(T)1-855-432-8475/(F)1-855-435-9294
fdavis@usacreditlawyer.com

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION
MATTER. ASSESSMENT OF
DAMAGES HEARING IS
REQUESTED.

BERNADETTE AHMED
2047 W. Cambria St.
PHILADELPHIA, PA
19132

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

Plaintiff

CIVIL ACTION

v.

MIDLAND FUNDING LLC
8875 Aero Dr-Ste 200
San Diego, CA
92123

DOCKET NO.:

Defendant

COMPLAINT

1. Plaintiff, BERNADETTE AHMED, is an adult individual citizen and legal resident of the State of Pennsylvania, living at 2047 W. Cambria St., Phila, Pa 19132.
2. Defendant, MIDLAND FUNDING LLC, is a business corporation qualified to and regularly conducting business in, the Commonwealth of Pennsylvania, with its legal residence and principal place of business at 8875 Aero Dr-Ste 200, San Diego, CA 92123. Defendant can be served at that address.
3. Plaintiff avers that at all times material hereto, Defendant acted by and through its authorized agents, servants, officers, and/or employees, including Defendant, all of whom were acting within the scope of their employment.

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction".

5. Defendant regularly conducts business in the State of Pennsylvania and in the County of Philadelphia, therefore, personal jurisdiction is established.

6. Venue is proper in Philadelphia County pursuant to Pennsylvania Rules of Civil Procedure 1006 and 2179.

7. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

8. Plaintiff is a natural person residing in Philadelphia, PA.

9. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3). She is a natural person residing in Philadelphia, and the alleged account at issue was used for personal goods and services not of any commercial nature.

10. Defendant, MIDLAND FUNDING LLC, is a company handling debt collection matters with headquarters located at 8875 Aero Dr-Ste 200, San Diego, CA 92123.

11. Defendant is a debt collector as that term is defined by 15 U.S.C. §1692a(6), and sought to collect a consumer debt from Plaintiff. The alleged debt was comprised of purchases for household goods and services, e.g. food, clothing, personal entertainment, etc.

12. Defendant acted through their agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

13. On or about June 30, 2014, Defendant began calling Plaintiff and requested payment for a Beneficial Credit-Card Account allegedly purchased by Defendant.

14. During these calls, Defendant claimed the "amount due" was in excess of \$900.00, but asked if Plaintiff could pay \$463.86. Defendant did not provide proof that it was in fact the current creditor of the alleged Beneficial Account, nor did it provide an accounting as to how the amount owed was in excess of \$900.00. Similarly, Defendant failed to verify the specific amount needed to satisfy the alleged debt.

15. Defendant repeatedly and continuously called Plaintiff attempting to collect this alleged consumer debt, requesting different amounts during these calls, and failing to provide an amount that would satisfy the alleged debt.

16. Plaintiff alleges and avers that Defendant misrepresented the nature and legal status of the alleged debt because Defendant claimed different amounts were owed at different times, and never specified an amount needed to satisfy the entire alleged debt.

17. Plaintiff further alleges and avers collection on this debt is not authorized by contract or law, as Defendant has no written agreement showing that the Plaintiff and the alleged original creditor agreed that this account was subject to purchase by a third-party such as Defendant or even that there was any binding repayment agreement between Plaintiff and the alleged original creditor.

18. Plaintiff further alleges and avers that Defendant has no proof of any activity by Plaintiff on this alleged account, and thus has no credible proof of any actual debt. Accordingly, Plaintiff submits Defendant misrepresented the amount(s) owed on this alleged account.

19. Plaintiff further alleges and avers that Defendant made or caused to be made repeated and continuous phone calls to Plaintiff and unrelated third-parties in an effort to collect this alleged debt, and that Defendant also called Plaintiff's cell phone excessively

in its attempts to collect this alleged debt.

COUNT I
THE FAIR DEBT COLLECTION PRACTICES ACT (15 U.S.C. § 1692)

20. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Harassing, oppressing or abusing Plaintiff in violation of 15 U.S.C. § 1692d, by making repeated and excessive phone calls in an effort to collect an alleged consumer debt;
- b. Using unfair or unconscionable means in violation of 15 U.S.C. § 1692f by failing to properly identify itself during these calls
- c. Misrepresenting the nature of the debt allegedly owed by Plaintiff in violation of 15 U.S.C. § 1692e by claiming different amounts are owed at different times, and by asking for payment of sums without providing any definitive amount owed on the alleged account.
- d. Attempting to collect an amount not authorized by law or contract, in violation of 15 U.S.C. § 1692f, by failing to establish it is the legal owner of the alleged account;
- e. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

WHEREFORE, Plaintiff, Bernadette Ahmed, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);

- b. Statutory damages of \$1,000.00 for the above violation(s) of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

COUNT II

THE TELEPHONE CONSUMER PROTECTION ACT (47 U.S.C. § 227)

21. In its action in contacting Plaintiff, Defendant violated the TCPA in the following ways:

- a. Calling Plaintiff's cellular phone using an automated telephone dialing system in violation of 47 U.S.C. § 227 (b)(1)(A)(iii);
- b. Calling Plaintiff's cellular phone using an artificial and/or pre-recorded voice in violation of 47 U.S.C. § 227 (b)(1)(B);

WHEREFORE, Plaintiff, BERNADETTE AHMED, respectfully prays for a judgment as follows:

- a. Statutory damages of \$500 for each violation of 47 U.S.C. § 227 (b)(1)(A)(iii) suffered pursuant to 47 U.S.C. § 227(b)(3)(B);
- b. Treble damages of \$1,500.00 for each violation of 47 U.S.C. § 227 (b)(1)(A)(iii) pursuant to 47 U.S.C. § 227(b)(3)(C);
- c. Statutory damages of \$500 for each violation of 47 U.S.C. § 227 (b)(1)(B) suffered pursuant to 47 U.S.C. § 227(b)(3)(B);
- d. Treble damages of \$1,500.00 for each violation of 47 U.S.C. § 227 (b)(1)(B) pursuant to 47 U.S.C. § 227(b)(3)(C);
- e. All reasonable attorneys' fees, witness fees, court costs and other litigation

costs incurred by Plaintiff; and

f. Any other relief deemed appropriate by this Honorable Court.

DAVIS CONSUMER LAW FIRM

By:


Fred Davis-PA ID# 93907
Attorney for Plaintiff, BERNADETTE AHMED
500 Office Center Drive-Suite 400
Ft. Washington, PA 19034
Tel - 1-855-432-8475/Facsimile-1-855-435-9294
Email: fdavis@usacreditlawyer.com

V E R I F I C A T I O N

Fred Davis, states that he is the attorney for the Plaintiff herein; that he is acquainted with the facts set forth in the foregoing Complaint; that same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the Penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsifications to authorities.



Fred Davis-PA ID# 93907
Attorney for Plaintiff, BERNADETTE AHMED
500 Office Center Drive-Suite 400
Ft. Washington, PA 19034
Tel - 1-855-432-8475/Faxsimile-1-855-435-9294
Email: fdavis@usacreditlawyer.com